

REMARKS

No amendments have been made.

Reconsideration and allowance are respectfully requested in view of the following remarks.

Claims 1-29 are currently pending. Claims 1-29 have been rejected. The rejection of claims 1-29 is respectfully traversed.

In the Official Action, the Examiner rejected claims 1, 5-7, 9-11, 15-17, 19-21, 24-26, and 28-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,385,449 to Eriksson et al. (hereinafter referred to as "Eriksson"). Applicant submits the rejections are in error for the reasons discussed below.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131, in part.

Independent claim 1 is a method of dynamically balancing work among processing nodes reciting the following:

periodically updating a node occupancy value at each of the plurality of processing nodes;

communicating the respective node occupancy value of each processing node to at least one work originator node, communication of the occupancy value made in an open-loop manner;

storing the node occupancy values of the plurality of processing nodes at the at least one work originator node; and

selecting, by the at least one work originator node, a processing node to perform a particular task in response to the node occupancy values of the processing nodes.

In rejecting claim 1, the Examiner notes that call processing nodes (BSC 150 and BSC 155) periodically update a respective occupancy value (message-1 238 and message-2 242). The Examiner erroneously states that the occupancy values are stored in a work originator node. Rather, the occupancy value of a processing node, e.g., BSC 150, is transmitted to another processing node, e.g., BSC 155 via an intermediate mobile services switching center (MSC 130). That is, the occupancy value of a processing node is transmitted to a peer processing node (See Column 3, Lines 61-65; Column 4, Lines 9-14, Lines 20-25; and Column 5, Lines 26-28). The Examiner states that the status message (i.e., the occupancy value) is stored by a call receiving node. The Applicant does not agree that Eriksson describes or suggests storage of the occupancy value. The BSC is described by Eriksson as determining whether to attempt a call transfer upon receipt of a load indication (Column 4, Lines 35-38; and Column 5, Lines 33-38). Thus, there is no apparent use for storage of the occupancy value by the BSCs. Regardless of whether the BSC does or does not store the occupancy value, an occupancy value received and processed by a BSC is transmitted to the receiving BSC from a peer BSC - from one processing node to another processing node. Contrary to the Examiner's assertion, there is no teaching or suggestion of storage of an occupancy value of a processing node (BSC) *by a work originator node*.

Additionally, the Examiner asserts that Eriksson describes selecting, *by a work originator node*, a call processing node to process an incoming call in response to the *node occupancy values* of the call processing node and cites Column 4, Lines 35-67 in support of the Examiner's position. The Applicant disagrees. Eriksson is clear that selection of a call processing node for a call transfer is made by a peer call processing node. For example, BSC-1 150 determines if BSC-2 can accept an ongoing call based on an occupancy value (message-2 242) transmitted to BSC-1 150 from BSC-2 155 (Column 4, Lines 35-42). Likewise, BSC-2 155 determines if BSC-1 150 can accept an ongoing call based on an occupancy value (message-1 238) transmitted to BSC-2 155 from BSC-1 150. Thus, Eriksson fails to teach or suggest selecting, *by a work originator node*, a processing node to perform a task in response to an occupancy values of the processing nodes. For at least these reasons, Eriksson fails to anticipate claim 1 and withdrawal of the rejection of claim 1, and the claims dependent therefrom, is respectfully requested.

Independent claim 11 is a method reciting:

periodically updating a node occupancy value at each of the plurality of call processing nodes;

communicating the respective node occupancy value of each call processing node to at least one work originator node operable to receive incoming calls, communication of the occupancy value made in an open-loop manner;

storing the node occupancy values of the plurality of call processing nodes at the at least one work originator node;

selecting, by the at least one work originator node, a call processing node to process the incoming call in response to the node occupancy values of the call processing nodes.

As noted above, Eriksson fails to describe a method for storing the node occupancy values of the plurality of call processing nodes *at the at least one work originator node*. Additionally, Eriksson fails to describe a method for selecting, *by the at least one work originator node*, a call processing node to process the incoming call in response to the node occupancy values of the call processing nodes. For at least these reasons, Eriksson fails to anticipate claim 11 and withdrawal of the rejection of claim 11, and the claims dependent therefrom, is respectfully requested.

Independent claim 21 recites a telecommunications system comprising:

a plurality of call processing nodes;

at least one incoming call receiving node;

the plurality of call processing nodes each:

periodically calculating and updating a respective node occupancy value; and

communicating the respective node occupancy value to at least one incoming call receiving node, communication of the occupancy value made in an open-loop manner;

the at least one incoming call receiving node:

storing the node occupancy values of the plurality of call processing nodes;
and

selecting a call processing node to process the incoming call in response to the stored node occupancy values of the call processing nodes.

As discussed above, Eriksson fails to describe a system having a receiving node that stores the occupancy values of a plurality of processing nodes, and that selects a processing node in response to the stored occupancy values. For at least these reasons, Eriksson fails to anticipate claim 21 and withdrawal of the rejection of claim 21, and the claims dependent therefrom, is respectfully requested.

Additionally, the Examiner rejected claims 2-4, 12-14, and 22-23 under 35 U.S.C. 103(a) as being unpatentable over Eriksson in view of U.S. Patent No. 6,069,871 to Sharma et al. (hereinafter referred to as "Sharma"). Sharma describes a technique for a BSC to request capacity information from candidate base transceiver stations (BTSs) (Column 7, Lines 10-14, Lines 44-46, and Lines 63-65; Column 9, Lines 51-52; Column 12, Lines 31-33, and Lines 55-58). The BTSs provide capacity information to the BSC only upon request rather than periodically. Thus, the technique described by Sharma utilizes a closed-loop response system for reporting respective excess capacity in response to the issued capacity request. Sharma fails to describe a technique for communicating the node occupancy value in an open-loop manner and fails to provide for periodic occupancy value updates. Accordingly, Sharma fails to describe or suggest a technique for storing node occupancy values communicated to a work originator node in an open-loop manner and fails to describe a technique for selecting a processing node based on an occupancy value communicated to the work originator in an open loop manner. For at least these reasons, Sharma is insufficient, when taken alone or in combination with Eriksson, to obviate independent claims 1, 11, and 21. Claims 2-4, 12-14, and 22-23 add additional limitations to the parent claims. Therefore, Applicant respectfully requests that the rejection of claims 2-4, 12-14, and 22-23 be withdrawn.

Additionally, the Examiner rejected claims 8, 18, and 27 under 35 U.S.C. 103(a) as being unpatentable over Eriksson. Claim 8 that depends from claim 1, claim 18 that depends from claim 11, and claim 27 that depends from claim 21 are not obviated by Eriksson because they include the limitations of respective independent claims 1, 11 and 21 and add additional elements that further distinguish Eriksson. Therefore, Applicant respectfully requests that the rejection of claims 8, 18, and 27 be withdrawn.

Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant's representative indicated below. In view of the above, it is believed that this application is in condition for allowance, and such a Notice is respectfully requested.

Respectfully submitted,



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